

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ERNEST J. BERARDI</b> , individually and on behalf of a class of similarly situated persons  <b>v.</b>  <b>USAA GENERAL INDEMNITY COMPANY</b>	<b>CIVIL ACTION</b>  <b>NO. 22-813</b>
<b>SAMANTHA SMITH</b> , individually and on behalf of a class of similarly situated persons  <b>v.</b>  <b>USAA CASUALTY COMPANY</b>	<b>CIVIL ACTION</b>  <b>NO. 22-832</b>

**ORDER RE: DEFENDANTS' MOTIONS TO DISMISS**

**AND NOW**, this 10<sup>th</sup> day of June, 2022, for the reasons in the foregoing Memorandum and after careful consideration of Defendant USAA General Indemnity Company's and Defendant USAA Casualty Insurance Company's Motions to Dismiss (Berardi ECF 5; Smith ECF 7), Plaintiff Ernest J. Berardi's and Plaintiff Samantha Smith's Responses (Berardi ECF 11; Smith ECF 12), and Defendants' Replies (Berardi ECF 12; Smith ECF 13), is its hereby **ORDERED** that Defendants' Motions are **GRANTED**. The Complaints in both cases are **DISMISSED** with prejudice.

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

**MICHAEL M. BAYLSON, U.S.D.J.**